

OFFICE OF THE DIRECTOR

**DEPARTMENT OF MOTOR VEHICLES**

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Section 155.05 and add Section 155.07, in Chapter 1, Division 1, Article 3.0, in Title 13, of the California Code of Regulations to implement amended procedures to comply with newly enacted statutes in the Vehicle Code for salvage and nonrepairable certificate applications.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

**DEADLINE FOR WRITTEN COMMENTS**

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on *March 16, 2009*, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

**AUTHORITY AND REFERENCE**

The department proposes to adopt the proposed action under the authority granted by Vehicle Code Section 1651, in order to implement, interpret or make specific Sections 11515, 11515.1 and 11515.2 of the Vehicle Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

In 2006, Assembly Bill 1122 (Ch. 412) was enacted to authorize the department to issue a salvage certificate for a vehicle without the titling documents under certain conditions.

The department proposes to amend Section 155.05 and adopt Section 155.07, in Title 13, of the California Code of Regulations. These proposed regulatory changes identify the different procedures and forms required by the department to issue salvage certificates and nonrepairable certificates which are currently identified as one process in Section 155.05.

The proposed amended Section 155.05 shall identify the procedures and forms required by the department to issue a salvage certificate, which includes the issuance of a salvage certificate without receipt of titling documents. The proposed for adoption Section 155.07 shall identify the procedures and forms required by the department to issue a nonrepairable vehicle certificate.

## DOCUMENTS IDENTIFIED IN THE PROPOSED TEXT

- Application for Salvage Certificate or Nonrepairable Vehicle Certificate, REG. 488C (REV. 8/2008)
- Statement of Facts, REG. 256 (REV. 1/2007)
- Unobtainable Title Certification for Issuance of Salvage Certificate, REG. 492 (REV. 1/2007).

The three (3) forms are incorporated by reference in the Initial Statement of Reasons and are currently available on the department's website at [www.dmv.ca.gov/forms](http://www.dmv.ca.gov/forms). The forms are also available upon request from the department and are with the contact person listed on page three (3) of this document.

## FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any costs impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation simplifies the process to obtain a salvage certificate. Only the completion of a portion of an additional form would be required. Waiting for or having to apply for duplicate titling documents will no longer be required under specific criteria.
- Effect on Housing Costs: None.

## DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in support of this proposal.
- The adoption of this regulatory action will neither create nor eliminate jobs or create businesses in the State of California, will not result in the elimination of existing businesses, and will not reduce or expand businesses currently doing business in the State of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses because the proposed regulatory action does require completion of an additional form. The regulation allows an insurance company, an occupational licensee of the department authorized by the insurance company or a salvage pool authorized by the insurance company to complete a request for a salvage certificate when unable to obtain titling documents within 30 days. This will simplify the salvage certificate process for these businesses.

## PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot be reviewed during the comment period.

### **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

### **CONTACT PERSON**

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station C-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or [cpatrick@dmv.ca.gov](mailto:cpatrick@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to an alternate regulations analyst, Randi Calkins, at (916) 657-8898 or e-mail [rcalkins@dmv.ca.gov](mailto:rcalkins@dmv.ca.gov). The fax number for the Regulations Section is (916) 657-1204.

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

### **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.